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THE APPORTIONMENT ACT.

JUDGE RUMSEY DECIDES THAT THE LAW IS UNCONSTITUTIONAL.

The Opinion Based Mainly Upon the Gronn of the Inequalities of Population in the Senate and Assembly Districts-The Court Overrules the Objections that the Census Was Taken in 1892 Instead of 1888, and that the Act Could Not be Passed at an Extra Session-The Case to Be Taken to the Court of Appenle,

ROCHESTER, Aug. 5 .- Justice William Rumsey of the Supreme Court to-day rendered his ecision in the case of the people, ex rel. Charles F. Pond. against the Board of Super-Visors of Monroe county, involving the constitutionality of the act of the last Legislature making a reapportionment of the Senate and Assembly districts of the The Court holds that the law is unconstitutional, and for that reason declines to issue a writ of mandamus requiring the Board of Supervisors to reapportion the Assembly districts of Monroe county as declared by the act. The following is an extract from Judge Rumsey's decision:
"On the 13th of April, 1802, at an extraor-

dinary session of the Legislature called for the purpose, an act was passed to reorganize the Senate and Assembly districts and to apportion the members of Assembly. By county of Monroe three members of Boards of Supervisors of counties which were entitled to more than one member should meet on the third day of July and divide their respective counties into so many Assembly districts as they were entitled to. The Supervisors of Monroe county met on that day, but refused to proceed under the act, alleging as a reason that it was not constitutional. Thereupon the relator moves for a writ of mandamus to compel them to act. It appears that the relator is a citizen of Roch-Monroe county, and an elector thereof. and it further appears that the city of Rochester, with a citizen population of 129,355 constitutes one Assembly district, and that the remainder of the county, with a population of 51,875, is divided into two districts, thus giving 25,937 people in the towns the same representation in the Assembly as is given to the population of this city. In this way the people of the city of Rochester, including the relator, are deprived of their proper representation in the Assembly by the refusal of the Supervisors to act as the bill directs. If any act of the Legislature violates the Consti-tution it is a nullity, as if it had never been. No rights can be acquired by it and no duty

"Boards of Supervisors are quite as much bound to regard the Constitution as are any other officials, and if a law, so called, seeks to compel them to do some act which the Constitution does not authorize, it is their duty, like any other person, to obey the funda mental law and pay no attention to the decree which violates it. In the first place, it is settled that there can be no presumption that the Legislature had any but public and proper motives in view in the passage of any act. In the second place, no act of the Legislature can be adjudged unconstitutional unless it is oither expressly by necessary implication in conflict with the fundamental law. But while these rules are well settled and always to be followed, because they only are consistent with the respect which the courts must show to a coordinate bower of the State, still it is also settled as stated by Judge Allen, that the act violating the true intent and meaning of the instrument, is an invasion of its term as properly interpreted and understood, and frustarting its general and clearly expressed and implied purpose, is as clearly void as it is in express terms forbidden (People ex rel. Bolton agt. Anderson, 55 N. V., 50, 555). The composition of the Legislature and boundaries of several districts are established in the first instance by the Deople in their Constitution, when so established they must continue as made unless the people fail to chonge them, or unless they authorize some one else to do it. The power then having its origin in the Constitution, is limited by that instrument and must be exercised in the manner therein prescribed. The general rule is that to due execution of a power there must be a substantial compliance with every condition required to proceed or power of the State, still it is also settled as ccompany its exercise.
"I am firmly persuaded that the principle

"I am firmly persuaded that the principle which allows any provisions or limitations of the constitution to be construed as directory and not as mandatory, is pernicious and dangerous, and such construction is not in accordance with the limit of authority, in this State at least It is by virtue of the constitutional provision that the Apportionment act was passed, and the objections to it, based upon these sections, are:

the objections to it, based upon these sections,

"I. That the enumeration upon which it
was based was made in 1812, and not ten years
after 1855.

"2. That the extraordinary session at which
the act was passed was not the session after
the return of the enumeration within the
constitutional provision.

"3. That the apportionment is unconstitutional, because in estimating the number of
inhabitants in the new Senate districts persons of color not taxed were included.

"4. That both the Senate and Assembly apportionments are unconstitutional because
the Senate districts are grossly unequal in
humber of inhabitants, and the members of
Assembly are not apportioned among the
counties as nearly as may be according to the
number of citizen inhabitants, but that command of the Constitution is ignored. Inc Senate districts are grossly unequal in humber of inhabitants, and the members of Assembly are not apportioned among the counties as nearly as may be according to the number of citizen inhabitants, but that command of the Constitution is ignored.

"I am quite clear that the census for the purpose of apportionment cannot be taken until the time provided in the Constitution has arrived. Whether, if not then taken, it may be taken at the earliest possible moment afterward, and a valid apportionment may be based upon a census then made, might be doubtful if it was an original question. But I am of opinion that that question, But I am of opinion that that question, as well as the question whether apportionment may be made at an extrnordinary session of the Legislature, has been decided practically by courts of high authority, and therefore I shall not consider them. It is clear that the constitutional census, as it may be called, furnishes the only information for the Legislature to use in reorganizing the Senate and Assembly districts.

"The law directing the census upon which the apportionment was based makes no provision for ascertaining the number of persons of color not taxed, and there is not contained in the return to the Legislature any information on that subject. That there are a large number of such persons who are citizens appears by the papers, and if it did not so appear I have no doubt that the court would be obliged to take judicial notice of so notorions a fact with regard to the population of the State. The number of such persons was not deducted from other citizens in reorganizing the Senate districts. It is clear that the Constitution requires that they shall be excluded.

"It is claimed by counsel for the relator that this exclusion of persons of color is a violation of the Fourteenth and Fifteenth amendment, it is sufficient to say that it protects alone the right to vote, which is not affected by the provision of the State Constitution now in question. The Fourteenth amendment prohibits an

each county, however small its population, shall have at least one member of Assembly.

each county, however small its population, shall have at least one member of Assembly, Fulton and Hamilton being rated as one county for that purpose."

Judge Runnsey here follows with a statement of the various inequalities of the Senate districts of the State, and passing to the Assembly, 8ays;

"In the apportionment of Assemblymen we see that Albany, with 1.50,743 people, has four members, while Monroe, with 181,230, has three, which is the same number given to Rensselaer, with 121,939, and to Queens, with 123,974. Dutchess, with 75,078 has two members, while St. Lawrence, with 80,678, and Chautauqua, with 73,884, have each but one. "It needs no argument to show that the Constitution means what it says when it requires that each district shall contain as nearly as may be an equal number of inhabitants, and that the members of the Assembly shall be abportioned among the counties, as nearly as may be, according to the number of inhabitants. It is the intention of the people that each person shall have as nearly as possible the same influence in Government as any other person, so that the representation of the Constitution shall be of all the citizens equally.

"I shall take no time to establish what

the Constitution shall be of all the citizens equally.

"I shall take no time to establish what must be conceded, that the people intended that representation in Senate and Assembly shall be as nearly equal as possible. But it is said that this matter is left to the discretion of the Legislature, and that discretion cannot be reviewed by the courts. That arms discretion in that legard is vested in the Legislature cannot be denied, as it must have been left in the nature of things. But it is just as clear that the discretion is not absolute, i cause it is expressly directed that the apportionment should be equal, "as near as may be."

is just as clear that the discretion is not absolute, i ecause it is expressly directed that the apportionment should be could, as near as may be.

"As is said by Judge Shepley (18 Maine, 472):

The very language limits, or more properly prohibits, any such discretion by declaring that the conformity shall be, as near as may be "that is, as near as it may be practicable to make them, having regard to the number of inhabitants."

"There is a wide distinction between such a limited discretion and the absolute power in the Legislature to do as it pleases. It must be remembered that the making of an apportionment is not, like the passage of a law, a matter which is to be done or not as the Legislature weeks fit. It is an absolute duty imposed by the people, without a sanction, it is true, but none the less a duty,

"The power to apportion is limited by the conditions of the grant, and these conditions inhere in it. When the Legislature disregards them it goes beyond its constitutional power. If the constitutional limit is overstepped, and the Legislature enacts that which the people have forbidden, Isee no reason why the courts should not take their stand at that point and assert the supremacy of the fundamental law.

"The conclusion that I have reached, that the action of the Legislature in apportioning the Senate districts and Assemblymen is subject to review by the courts, is sustained by many adjuged cases of high authority. There can be no doubt that the apportionment of alear violation of the Constitution was gressly disregarded by giving to Albany country one more member of Assembly than is alloted to Monroe, with over 24,000 more inhabitants, as well as by allowing to Duichess county with 75,078 people, two members, and to St. Lawrence with 80,-679, only one. These are violations which are clearly unnecessary, and because of them the act is void. The provisions of an act of this kind are so largely dependent upon each other that if part of them violate the constitution the whole act must be teleclared void.

CONSEQUENCES OF THE DECISION. Democratic Opinion Seems to Be That This

Year's Election Is Not Involved. Judge Rumsey's decision was received with varied comments by the Democrats who assembled at the Hoffman House last night to attend the meeting of the Democratic State Committee. Comptroller Frank Campbell, who, although a Democrat, is the personal friend of Judge Rumsey, was in the throng. and beside him were Lieut.-Gov. Sheehan.

District Attorney James W. Ridgway of Brook-

lyn, and Senator Charles P. McClelland of

Westchester. All were hearty partisans in in-

sisting upon the passage of the apportionment act at Albany. Comptroller Campbell did not wish to express his opinion at the moment on Judge Rumsey's decision. Mr. Ridgway said:
"The application made to Judge Rumsey to defeat the purposes of the new apportionment act was made by a Republican, he is a Republican Judge, and his decision in the case is from a purely Republican standpoint. No doubt there will be an appeal to General Term and from there the case, if necessary, will be taken to the Court of Appeals. If the case ever reaches that court, it will be settled quickly and in favor of the law as at present enacted."

Lieut.-Gov. Sheehan said:

"A Republican city attorney of Rochester.

application to restrain r. Rienel, mane the application to restain e Republican Board of Supervisors from car-ing out the provisions of the law. What will be Democrats do? Nothing, positively noth-ing. Monroe county will simply be forced to talong without a representation in the Leg-lature and elsewhere until the law is com-

ing. Monroe county will simply be forced to get along without a representation in the Legislature and elsewhere until the law is complied with."

Senator McCielland, who had charge of the Apportionment bill in the Senate, said:

"I have not seen the full text of Judge Rumsey's decision, and of course do not know on what particular grounds the judgement is based. If there is an appeal taken from the Judge's decision, the law will stand until finally passed upon by the court of last resort. I assume there will be an appeal, for the reason that when the Republican combination made its case to present to Judge Rumsey, each side published its determination to appeal in the event of an adverse decision. Should counsel agree, there will be little difficulty in getting the question before the Court of Appeals in the month of October, but the decision cannot be rendered in time for the issuing of the fall election proclamations. I believe the members of the next Assembly will be elected under the act of 1802 as it now stands. I cannot now say what the Democrats will do. If this Monroe Republican combination had desired to try the constitutional question squarely on its merits they would have invited the Attorney-General to look after the interests of the State in the preparation of the case, instead of inviting him after the papers were all prepared and ready for submission. I think it may safely be asserted that there will not be another extra session.

"I notice that the despatch says that one of the chief points on which Judge liumsey based his decision is that the basis of apportionment includes persons of color not taxed. I can hardly believe that. I introduced the Enumeration bill and looked into the question with able lawyers, and there can be no doubt that the provision of our State Constitution which required persons of color not taxed. I can hardly believe that. I introduced the Enumeration bill and looked into the question with able lawyers, and there can be no doubt that the provision of our State Constituti

GOV. FLOWER NOT SURPRISED.

He Says There Is Nothing for Him to Do Until the Dreision is Affirmed. ALEXANDRIA, N.Y., Aug. 5.-Gov. R. P. Flower nd wife arrived here from Watertown this afternoon, and will remain until Tuesday. The Governor was smoking a cigar and chatting with a party of friends on the veranda of the Crossman house this evening when THE SUN representative gave him the news of Judge

ties of citizens of the United States. The privileges thus protected are privileges of the citizens of the Inited States as such, and not those which attach to the citizens of any particular State. Any State may regulate the political rights of its own citizens, except as prohibited by the amon innent, but it cannot deprive the citizens of other states to become its citizens from sharing their rights which the like class of citizens enjoyander its government. The Governor manifested no surprise, but rather appeared as though he had expected such a decision. The Governor said:

"You can tell The Sun that I have no opinion to express on the decision and that there is not need of action on my part till after the class of citizens enjoyander its government. It is procise, clear, and positive. It leaves nothing to the discretion of the regulature, it is quite clear that it was ignored by the Legislature in massing the enumeration law and the apportisement law based on the cansulature, it who had a specific the count of Appeals affirms the decision, it will call an extra session of the Court of Appeals. It is the decision of the Legislature and reapportion that the Senate districts shall counties, as hearly as may be an equal number of inhabitants, and that the Assemblymen shall be apportioned among the several counties as hearly as may be according to the number of their respective inhabitants.

"The Constitution prohibits the division of a county in the formation of a Senate district, unless such accounty shall be equires that the will be necessary to resportion the State.

The Governor manifested no surprise, but rather appeared as though he had expected such a decision. The Governor that the close on my part till after the close on the election on my part till after the decision of a surprise, but rather appeared as though to a court of Appeals has affirmed there the case will now go to the Governor fail.

"The Constitution prohibits the division of the Court of Appeals. Until the court of Appeals and that the Ap

SUSPECT THE BORDEN GIRLS.

THE POLICE SEE NO OTHER SOLUTION OF THEIR PARENTS' MURDER.

The Two Daughters, Their Cousis, and the Servant Under Survelllance-Their Probable Arrest After the Funeral-One of the Daughters Identified by a Drug Clerk, Who Says She Purchased Prussle Acid from Bim-The Daughters Offer \$5,000 Reward-One of Them and the Nephew were Absent from the House at the Time of the Deed-Helatives of the Girls Angry Over the Suspicions-Their Theory.

FALL RIVER, Aug. 5 .- The Borden murder mystery deepens and casts the shadow of suspleion on the surviving members of the household. The police were unable to find any clue outside the house, and they turned their attention to the members of the family. They have made no arrests, but virtually

have made prisoners of the two daughters of Mr. and Mrs. Borden, the nephew, John W. Morse, and the servant, Bridget Sullivan. The police have them under close surveillance, every movement being carefully noted. One of the daughters, Miss Emma J. Borden. was in New Bedford at the time of the murder. The strongest suspicion has rested upon Mr. Morse, presumably because he is a man. but he has made out an alibi. He was at the house of another aunt, Mrs. Daniel L. Emery.

at 7 Werbasset street, from 0 o'clock until be-



ANDREW J. BORDEN.

This fact is vouched for by Mrs. Emery. Weybasset street is a mile and a half from Second street, where the murder occurred, and inasmuch as the police authorities were notified of the crime at 11:25. which was several minutes after it occurred. it would seem that Mr. Morse has cleared himself of any direct connection with the murder. This throws the burden of suspleton on the younger daughter. Lizzie, and on the

The confidential friends of the Borden family bitterly denounce the police for taking any such view of the case. They that the relations between the claim daughter, father, and stepmother were most affectionate, and they say there is absolutely no ground for supposing that Lizzie Borden dealt the blows that robbed her of father and mother. She knows that she is suspected of the crime, for to-day the police confronted her with a drug clerk who identified her as one who tried to buy some prussic acid of him two days before the mur-

der. She denied the drug clerk's assertion, but the police don't accept her denial astruth-ful.

That the daughters seem anxious to clear up the mystery is shown by the following ad-vertisement published to-day:

FITE THOUSAND DOLLARS REWARD, The above reward will be paid to any one who may seeme the arrest and conviction of the person or persons who occasioned the death of Mr. Andrew J. Borden and his wife.

Emma J. Honors,
Luzzie A. Bonnes,

The police say they will make some arrests after the funeral to-morrow, and that there is every reason to believe that some surviving member or members of the household will be charged with murder. The strongest point raised by the police against the daughters is that they do not express their grief by jamentation. The fact that the girls are calm and self-possessed, even in the face of such trying elecumstances, is urged as a sufficient ground

for suspicton.

The absence of any apparent motive for the crime has bailed the police in their investigation fully as much as the absence of clues in the immediate vicinity. They don't know which way to turn or where to look for evidence.

crime has battled the police in their investigation fully as much as the absence of clues in the immediate vicinity. They don't know which way to turn or where to look for evidence.

It is certainly established that the murderer did not attempt to leave the house until after the crime was discovered. He must have been close at hand when Lizzie opened the sitting room door and saw her murdered father.

His chance to escape unobserved came when the girl screamed for the servant to come to her assistance, but even then it seems almost impossible that any one could leave the house without having been observed by the neighbors. Yet no one saw any stranger leave the Borden yard at the hour.

But the police have failed to advance any theory as to why any members of the household would be benefitted by the murder of Mr. and Mrs. Borden at this hour.

Lizzie and Emma Borden each had enough money in their own names to provide for all the comforts of life. They knew they would each have a third of their father's estate, for he had told them so many times.

Up to a few weeks ago Mr. Borden had made no will, but at that time be teld his confidential agent that he would make one as a matter of business, but that he should divide his property into equal shares for the three members of his family, his wife and two daughters.

It is not known that he made a will. If he did attend to it the fact has not yet been established. Of course, the daughter who is most strongly suspected would profit to a certain degree by the death of her stepmether, but such a crime could profit to a certain degree by the death of her stepmether, but such a crime could profit to determine which died first, Mr. Borden or his wife, in providing for the distribution of the property.

Then, too, the murderer must have had blood stains on hands and clothing, for the autopsy last night revealed the fact that there were no less than twelve deep cuts on each head, the skull of each victim being laid open and herribly gashed, yet this daughter bore no criminati

it much more reasonable than the theory that the daughter should stain her hands with such a crime.

Their theory is that the murderer had heard that Mr. Borden received the money from the rentals of his houses on Wednesday night and knew that he took the money home with him; that the robber waited his opportunity to strike Mr. Borden when he was alobe, and, after killing him, felt in his pockets for the roll of bills which, however, had been deposited in the bank when Mr. Borden went down town.

The same people believe that Mrs. Borden heard her husband fall and called to him from the head of the stairs, thus alarming the thief; that she returned to her room, and was assatied by the murderer of her husband while her lack was turned.

The argument used by the rolatives is that the murderer was in the room with Mrs. Borden when the daughter's screams announced her discovery of the first murder. There was no time then for robbery. Flight was the only thing to be thought of.

While it seems improbable that a man could have escaped under such circumstances without leaving a clue, it is not impossible, as the many mysterious crimes of a similar nature have preved. Mayor Coughlin, himself a surgeon, says concerning the murder:

fairly dazed. Here were two persons killed in broad daylight, right in the heart of the city of Fall River, in a thickly settled street and in just ten minutes' time, and the murderer disappears and leaves not a trace.

No mark of bloody fingers on a deer knob; not a footprint. One is appailed by the very mystery of it. There was no robbery in it, not a paper was disturbed.

We haven't positively a thing left for evidence. That weapon was no cleaver, it was an axe, a very keen one. If it was a manic, he was a very rational one. There was method in his madness. There were twelve wounds on the head of such viether, each one sufficient to kill, each one penetrating the brain, and, with the exception of that one on Mr. Borden's face, all delivered in the same places, and by a man of strength. Why, that aze was so keen that Mrs. Borden's hair was cut off the back of her head and dropped upon the floor, trimmed as keenly as with sheers. No, it was a cold-blooded, deliberate murder, unparabolied for its brutality by anything ever known in Massachusetts, and the cause is briden from us.

"If it had been on some country farm, with no houses near, it would have been different, but right here in midday is something unheard of. As for the family being siek, that is nothing uncommon at this time of year and people should not be in a hurry to ascribe any possible theory of poisoning; but we have sealed up the stomach and organs and will send them to Prof. Weed for his analysis. Both Mr and Mrs. Borden's organs showed him good for many years."

The police have released the three men arrested on susulcion yesteria;

den's organs showed him good for many years."

The police have released the three men arrested on suspicion yeaterday.

The only clue which would seem to point toward trouble between Mr. Borden and another is furnished by Mrs. Joseph F. Durce, who lives a block above the Borden house on Second street.

One night several mon, hs ago she was passing the Borden house and heard angry conversation. Mr. Borden was standing in the doorway and Mrs. Borden, his wife, was behind him. A young man stood on the steps. He was slim, and wore alight suit of a very fine cheek.

He didn't seem to be over 25 years old, and he certainly wasn't 30. He had some papers in his hand and he shook them in Mr. Borden's face as he said:

"You have cheated me and I'm going to fix you; I'll get even with you."

THE DAUGHTER'S STORY.

you; I'll get even with you.

THE DAUGHTER's STORY.

Lizzie Borden, the daughter of the murdered couple, told a relative to-day that she had seen a strange man loitering about the back yard, and once she caught him examining the back door. Her story is this:

"A year ago last spring our house was broken into while father and mother were at Swansea and a large amount of money stolen, together with diamonds. You never heard of it because father did not want it mentioned, so as to give the detectives a chance to recover the property, that may have some connection with the murder. Then I have seen strange men around the house. A few months ago I was coming through the back yard, and as I approached the side door I saw a man there examining the door and premises. Idid not mention it to any one. The other day Isaw the same man hanging about the house, evidently watching us. I became frightened and told my parents about it. I also wrote to my sister at Fairhaven about it."

Miss Borden then gave it as her opinion that the strange man had a direct connection with the murder, but she could not see why the house was not robust, and did not know of any one who would desire revenge upon her father.

GOLD FROM SAN FRANCISCO.

The Transfer of \$20,000,000 to New York Admitted at the Treasury Department, WASHINGTON, Aug. 5.-It is admitted at the

Treasury Department, as stated in THE SUN this morning, there is now en route from San Francisco to the Sub-Treasury at New York a shipment of \$20,000,000 of gold. Some two weeks ago Secretary Foster signed a transfer check for the \$20,000,000. It was the desire of the Treasury officials that nothing should be said about the transfer until the gold arrived in New York, and Secretary Poster exhibited great surprise and geve utterance to vigorous and impelite expressions when the despatch in THE SUN was shown to him. He said he could say nothing on the subject, and declared with emphasis that nothing ought to be said about it.

This transfer is made at this time because the Sub-Treasury at San Francisco has a plethora of gold, and it is constantly accumulating, while there is a dearth of gold in the Sub-Treasury at New York, especially of small denominations. Negotiations for the transportation of the gold were carried on in the most confidential manner. Everybody
connected with the transaction was pledged
to profound section. To avoid accident in
transportation the shipment was made by
registered mail, in a train of cars heavily
guarded by armed officers of the Treasury.

THE TREASURE TRAIN SPEEDING EASTWARD. SAN FRANCISCO, Aug. 5.—The treasure train which left this city last evening for Washing-ton carries more gold than has ever been ton carries more gold than has ever been shipped in one lot before. The train is now speeding across the sagebrush plains of Nevada. It was heard from late this afternoon at Winnemucca. It is running on regular passenger time, but has the right of way. The train will go over the Central Pacific to Ogden, then over the Union Pacific to Omaha, and then by the Barlington to Chicago. Beyond Chicago the route is kept secret. The treasure train consists of five cars.

An ordinary Southern Pacific combination bargage and postal car came first. Then the Union Pacific express car No. 1,092, and the Union Pacific express car No. 1,092, and the Union Pacific express car No. 1,242. The Burlington United States Post Office car No. 933 came next, and the Lake Shore and Michigan Southern fast mail car Frank Hatton, No. 60, brought up the rear.

The coin was nearly all placed in two Union

igan Southern fast mail car Frank Hatton, No. 60, brought up the rear.

The coin was nearly all placed in two Union Pacific cars built of wrought steel and suppessed to be builted and bemb proof. They were built specially to carry specie. The thirty railway mail clerks brought here from the East were re-enforced by nine men selected from the route agents on this coast. These men received a month spay in advance from Postmaster Backus, and were told to be ready to take a trip which might last three weeks. They were told that they might have to go to New Orleans, possibly to Washington, and perhaps even firther. All approaches to the New Orleans, possibly to Washington, and perhaps even further. All approaches to the train were carefully guarded, and the utmost reticence prevailed among the Government officials.

There is not the slightest doubt in the minds of the railway officials that the train will arrive in safety.

in safety.
The coin is in 500 small boxes, each contain-In safety,

The soin is in 500 small boxes, each containing \$40,000, in five and ten dollar gold coins. Each box is a registered mail package, and the whole shipment goes direct to the New York Sub-Treasury. As all mail matter goes under contract by the Government over certain railroad lines, it is difficult to see how any exception will be made in regard to this shipment. It required ten days for the entire Sub-Treasury force, assisted by five experis, to count the twenty millions. The counting and boxing of this large sum was completed on Wednesday afternoon. Then the treasure was so bulky that it couldn't be placed in the big vaults overnight. So the Sub-Treasury watchmen, heavily reenforced by nail agents, kept guard over it all night, the Treasurer himself sitting up, as the big responsibility on his shoulders prevented sieep. It is probable that another shipment, or even tweshipments, may be made to New York, as at least \$20,000,000 may be spared here.

Bishop Cotter and the Fairfbault System. CHICAGO, Aug. 5 .- Bishop Cotter of Winona. Minn., speaking of Archbishop Corrigan's recent/stter, to-day said: "Its publication is timely. It should practically put an end to the controversy over the Fairibault and Stillwater schools, which had all but died out, any way. I

schools, which had all but died out, any way. I
do not think the present fuss over Archbishop
Corrigan's letter is justifiable.

"tarchbishop Ireland's memorial hashot yet
reached this country, but a rough draught of
it has, and this is the cause of the trouble.
No one who knows Archbishop Ireland will
suppose that he meant to infer that Catholics
in this country were likely to be persecuted
on account of any settlement of the school
question.

on account of any settlement of the school question.

"Archbishop Corrigan's letter does not indicate that he thought anything in the nature of a threat had been made. The Fairhault system has no longer an interest for any one. It is in practice in Indiana. New York, the Guif States, and Wisconsin. Any discussion of it with reference to the Convention at Baltimore is out of the question."

Senator Hill on His Way to Gray Cubics. NEW BEDFORD, Mass., Aug. 5 .- The steam yacht Fra Diavolo arrived in port with a party of five gentlemen aboard, including Mc Stokes, the owner, and Senator David B. Hill This evenleg the captain of the that the party would go to Gray morrow, where Mr. Hill will meet land.

Special tours to leading re-orts at greatly reduced rates on Saturdays. that on New York Central ticket agents for information -ads.

VISITING DERVISHES HOWL

IND DO OTHER THINGS MUCH LESS PLEASANT TO LOOK UPON.

nake-Anting a Feature of the Spectac New York Managers Are Invited to Offer to the Public-Glass Bottle Eating and Other Forms of Self-Torture. The twenty-three howling and the seven

whirling dervishes that arrived in this city on last Monday from Cairo, publicly praised Allah in the Madison Square Garden yesterday afternoon for their safe arrival. It was the Mohammedan Sabbath, and the howlers and whirlers also performed the usual religious coremonies of that day.

Shelk Abo-el-Fattah had the sect Kadris, who are the homeless, and the sect Mevelevis.

who are the howlers, mark out a semi circular space on the Madison avenue side of the Garden, about twenty feet in diameter and enclose it with sheepskins. The space so enclosed was carefully washed, for no Mohammedan ever invokes Allah on unclean ground.

Then the Sheik dropped his red shoes outside of the sheepskins, and, stepping into the enclosed space, blessed every separate foot of it. This done he turned his face to the east, and with two hands held out, the palms upward, made a silent prayer. Then he kneit and prayed, and then he touched his forehead to

the floor and prayed again.

In the mean time about 100 persons who had been invited to witness the ceremonies had been straggling in. A large number of them were theatrical people, whose object in coming was to be amused and to see if there was any money to be made in exhibiting the disciples of Mohammed to the public as curiosities. Among those present were David Haven, Thomas Q. Seabrooke, Walter Collyer, Maurice Barrymore, William Hoey, Leon Mayer, Edward Rice, Gus Kerker, Wemys Henderson, and S. Goodfriend. There were also several ladies present, friends of E. M. Malluk, the manager of the dervishes.

Shortly after 3 o'clock the Sheik in a drab gown that hung from his shoulders to his ankles, bound with a sash at the waist, and with a turban of vivid green, the Khedive's favorite color, prostrated himself on the sheepskins nearest to the east, and, with his arms outstretched, remained motionless for several minutes.

He lay between two immense green flags, on which were wrought in gold many religious devices. Shortly the Sheik stood up and, crossing his hands upon his breast, bowed repeatedly toward the east. Then the other howlers gathered. They came from the east end of the hall in gowns of blue and brown and yellow.

The colors meant nothing in particular.

but the turbans denoted their rank in the sect. The green denoted the highest stand-

sect. The green denoted the highest standing, next to the Sheik; the yellow came next, and then came the red, and last was the pure white, worn by the young men.

The howlers sat on the sheepskins opposite the green ilags, and then came the whirlers, with long gowns covering their rope-weighted skirts, and with high, brown, brimless hats. The whirlers sat on the right of the Sheik and for several minutes remained motionless. Then a howler marched solemnly up with an iron put of burning inconse and an iron vessel shaped like a beat. These were placed by the side of the Sheik.

Suddenty the members began awaying their

shaned like a loat. These were placed by the side of the Shelk.

Suddenly the members began swaying their bodies to and iro and mourning dismally. Then they as suddenly became silent, and rising to their feet, performed "hanafe," haubole," and "maleke." These are devotional exercises of the hands and arms.

Omar, a young howler, chanted the call to prayer in a shrill voice, and both the howlers and the whirlers swayed to and fro with their bands across their breasts. Omarchanted the question, "Ash Asmu?" (What is his name?) and the howlers and whirlers droned forth the answer. "Asmu Allah Tadem" (His name is God Almighty).

A period of swaying and moaning and praying ensued, and then Omaragain sang a call to trayer. The dervishes swayed more violeitly, and kept it up so long that it was a wender their strength held out. The Shelk mumitled a "fatcha" thessing and the moving bodies grew still. Three of the howlers biayed the "Dyezaierle," the national match of Egypt, on reed instruments, and after this the dervishes chanted for several minutes. "Allah al Allah" (God is God).

The Shelk stood up and stretched forth his

The Sheik stood up and stretched forth his hands. The howers were silent. He marched around the hely space. As he advanced he grounded and all the howers grounded with him. Then he bowed, and the howers bent their hodies. The groaning set in steadily and rose and fell with a sound like the faraway singing of chantation negroes.

ing of plantation negroes.

The train Adozen of the howlers fore their turbans ashingfrom their heads and their long black hair. by hopped on their knees and shook their odies like men in mortal agony. Up and own their bodies beat, with the long hair of the dark headed ones fiving to and for. The shelk resumed his seat between the

The slick resumed his seat between the reen flars and picked up with tenderness a carse baz. Instantly the howlers became flent and sat with their faces turned ancerly toward the shok and their hands witching. The shelk drew from the bag young bea constrictor more than three feeting. He held it just behind the head and arefully placed it about his neck. The folds f the snake were seen to tighten and the helk s mouth opened. He breathed huskfly, and it seemed that the snake was strangling im, suddenly he unwound the colls and, incling the snake in his lap, fondled it. The interest of the howlers had increased, wery dusky face was thrust eagerly forward and many dusky hands were thrust out beceedingly. The shelk glanced covertly around not then nodded to flouseyn, the most eager fite howlers.

ithen nodded to Houseyn, the most eager the howlers.
Louseyn sprang forward, and, kneeling in set of the shelk, stretched out his hands, a shelk placed, the scrpent in them, and the Ylouseyn was on his feet with the ithing scrpent clutched in his hands. The distinguishment were played, the drums to heaten, the howlers shricked denote the and doubled themselves up on sheepskins. Then Housiyn bit a piece in the snake, snarling like a savage dog. The howlers were growing wild with rejons frenzy. They groaned and screamed, on the tipecafter piece from the snake's dy and swallowed them. The Shiek sprang ward and, seizing the snake, tried to tear it in Glouseyn.

fill the result of the fill th selical the snake, too. Badoni and the ench bit off a piece. Then Ylousern off another piece, and the three is placed their hands upon each shoulders and whirled around the snake hanging from the Shelk's neck, a howers yelled furiously and bumped forcheais on the floor. Badoni was too, and pretty soon he had to be helped to his sheepskin, where he sank exceed. ted. on Ali Flassan, a bearded howler, received

Then All Flassan, a hearded howler, received from the Sheik the mace, an instrument of terture, with a globular weight on one end and a feet of steel with a sharp point on the clier. All abbed the point in his right cheek and then in his left cheek.

Then he thrust it in his scalp and in his neck while he danced around. His fellow lowlers cheered him on with frantic shrieks and hedlip contortions. When All was through torturing himself a consumptive-looking howler with a beard ate a glass bottle in a matter-of-fact way.

Then the whirlers doffed their gowns, and teaping into the circle in their bare feet, went around and around while the musicians beat and blew a weird time out of their instruments. The boss whirler, or second priest, watched them carefully, and when he thought they were on the point of falling he checked them. This was sometimes difficult, because the frenzy produced by this method of worship made the whirlers blind and deaf to everything. After a tiresome period of whirling all the dervishes stood like statues on their sheepskins while the Sheik made silent prayer.

Then the howlers and whirlers went un one at a time to the Sheik, and, after grovelling before him, were permitted to touch his hand. This ended the exhibition. Some of the disgusted spectators invaded the circle and asked to see the snake's body, in order that they might make sure that it was genuine. Satisfied of this they hastily withdrew. One then treat in a large the produced by the manager, who saw the performance, and.

theatrical manager, we say and a said:
"Malluk wants to charge \$2,000 a week for those people. I wouldn't give him \$200, for I think the police would raid the show."
Mayte Mr. Malluk will show the howlers and whirlers on his own account. Any way he intends to take them to the World's Fair, he says.

Den't miss ex Speaker Thomas H. Reed's caustic review of Congress in to day's Press - Ade.

THE FRESNO ROBBERS CAUGHT.

Brought to Bay by Hundreds of Armed Men After an Exciting Chase,

VIBALIA, Aug. 5.-Two train robbers were captured near here late this afternoon after an exciting chase, during which Deputy Sheriff Whitty was shot in the neck by the fleeing criminals. The men were tracked from near the scene

of the robbery into Visalia and to the ranch house of Chis Evans, who came here from Minnesota five years ago. When the officers approached Evans's place the men, who were evidently expecting them. opened fire and Whitty fell from his horse.

Then they jumped on horses and started for the hills. After them went fully 100 heavily armed men. Finally when they saw that capture was almost certain they separated and struck off on different roads. Their pursuers divided into two bands, and in a few moments each party ame up with their game. Both men showed

STEVENSON'S KENTUCKY TRIP.

The Candidate for Vice-President Speaks to the Kentucky Legislature,

fight to the end.

LOUISVILLE, Aug. 5.-Mr. Stevenson and his party were entertained in Frankfort to-day. A committee of citizens, at the head of whom was Ex-Gov. Knott, waited at the station for the train carrying the party.

Entering carriages, they went at once to the residence of Mr. Knott, where Gen. Stevenson and Mr. Ewing rested until the time arrived for their reception by the Legislature. Long before 12 o'clock the lobbies and

galleries of the House chamber were crowded to overflowing.

Just before 12:30 o'clock the Senators came

over and were seated in the House. Gen. Stevenson soon entered on the arm of Judge William Lindsay. Other members of the committee followed. There was an enthusiastic

mittee followed. There was an enthusiastic cheer as the party entered.
Judge Lindsay presented the distinguished visitor to President Alford, who occupied the chair. Mr. Alford then introduced Gen. Stevenson. His speech dealt mainly with his relations to Kentucky and Kentuckians and the close kinship of Kentucky to Illinois. It was delivered in a conversational tone with no attempt at oratory, and in the spirit of one who was talking to friends and dealing in reminiscences.

At the conclusion of the remarks Mr. Alford informed the audience that Gen. Stevenson would receive the members of the Assembly, the State officers, and the public all at the residence of Judge Lindsay this evening from 8 to 11 o'clock.

General and Mrs. Stevenson will return to Louisville to-morrow, and have a reception tonight at the home of Major J. Fry Lawrence, a foster brother of Mrs. Stevenson.

CHICAGO SHOWS HER SPITE

Mr. Breckenridge Unpopular Because He Voted Against the World's Fair Grab.

CHICAGO, Aug. 5.-It is more than probable that at an early meeting of the Ceremonies Committee of the World's Fair action will be taken from which Congressman Breckenridge of Kentucky can plainly infer that his services as crater of the day on the ectasion of dedicating the Exposition buildings are not de-Chicagoans and the Exposition officials are disgusted with the opposition he manifested to the passage of the World's Fair Appropriation bill. When he was chosen orator of the day fault was found in certain quarters. These object-ors believed that Chauncey M. Depew more nearly filled the bill as the typical American orator, and numerous attempts were made to have his name substituted. Mr. Thacher, the Democratic member of the National Board from New York, came to Chicago and proposed to have Mr. Depew deliver an oration also. He wanted Mr. Depew to have a place where he would be equally as prominent as the Kentuckian, but the project had to be aban-doned.

doned.
While nothing was said to the Kentuckian
While nothing was said to the Kentuckian While nothing was said to the Kentuckian about his vote on the World's Fair measure, it was supposed that he would be found among its friends when it needed his aid in Congress. Mr. Breckenridgo persistently refused to aid the Fair.

HUNTING A BLACK BRUTE.

He Assaulted a Little Berry Picker in

CAMDEN. Aug. 5 .- Mary Hughes, 12 years old, was assaulted by a negro near this city yesterday. The child had gone huckleberryng in a swam pwith another girl about own age. They separated after reaching the swamp, agreeing to meet at a certain point when they had filled their pails. When Mary's companion reached the rendezvous she saw Mary in the grasp of a negro. She ran away to give the alarm. Before help could reach the swamp the negro had fied, leaving his vic-

the swamp the negro had fied, leaving his vietim unconscious.

Hundreds of men gathered and searched the swamp, but failed to capture the negro. The little girl was taken to her home seriously injured.

The police have a very good description of the negro from Mary's companion, and are now hunting for him. Over a hundred citizens are assisting the police. Three negroes were, one after another, arrested this morning and taken before the little girl for identification. They were all discharged. There may be a lynching if the culprit is captured.

TWO YOUNG GIRLS ABDUCTED.

Found by a Detective in a Coney Island Concert Hull, CONET ISLAND, Aug. 5 .- Detective Ike Van Leer found Mamie Kempinsky, 13 years old. and Annie Segolove, 15 years old, in a concert

hall on the Bowery last night and took them to

Police Headquarters.

There the girls said that they were induced to come down to the island about two weeks ago by a woman, who called herself Ernestina. and that this woman's cousin, Sophia Fursh, a

and that this woman's cousin, Sophia Fursh, a variety actress, got places for them in Parker's concert hall at \$i\$ a week.

During their stay on the island the girls say that they fived with Henry Treze, who is otherwise known as Signorell the Fire king. The girls were examined by Police Surgeon J. O. Hill to-day and found to have a very serious blood trouble.

Treze, who is well known to the police, has disappeared. The Society for the Prevention of Cruelty to Children have been notified of the case, and the girls will be committed to its charge to-morrow.

MRS. VAUX MAY RECOVER.

But Her Condition is Critical-Trepanning was Resorted to Yesterday Morning.

CLOSTER, Aug. 5.-Mrs. Vaux, who was injured last night while out driving with Mrs. Col. Well, remained unconscious until Drs. Currie and Banks performed the operation of trepanning. She is still alive, but in a very critical condition. The body of Mrs. Well, who was instantly killed, was taken to her residence, near which the needent occurred.

Mrs. Vaux is the wife of Calbert Vaux of the firm of Vaux & Radford, well-known land-scape architects of this city. The family live at 142 Fast Eighteenth street, and have two daughters and a son. Mrs. Vaux and her younger daughter went to Closter about two months ago. As soon as he heard of the accident Mr. vaux left for Closter. His son, Downing, followed him resterday. Mr. Vaux is the architect who drew the plans for the land-scape gardener who laid out the Central Park flower beds.

Kings County Supervisors Mandamused. The members of the Kings county Board of supervisors were served yesterday with a notice of application for a writ of mandamus commanding that the county be divided into commanding that the county be divided into Assembly districts in the manner and form as required by the statutes. The case will be heard in the Supreme Court on Aug. 15.

In the petition for the writ it is set forth that several of the largest wards have been made into one district when the population in comparison with other districts, entitle 5them to better representation.

THE RIGHT TO PAGO-PAGO.

PRICE TWO CENTS.

CLEAR CASE OF COMPLETE OWNER-SHIP BY THE UNITED STATES.

If Great Britain Has Seized the Harbor, it to in Clear Violation of Trenties and Agreements by Which This Country Owns It-Senator Sherman's Speech to

the Senate at the Time of the Treaty. WASHINGTON, Aug. 5.-The following facts about the rights and interests of the United States in Pago-Pago harbor in the Samoan Islands, which is said to have just been seized by Great Britain, are from official sources:

In 1872 Mauga, High Chief of Pago-Pago, "freely and voluntarily" granted to Com-mander Meade, U. S. N., the exclusive privilege of establishing in the said harbor a naval station. If this agreement, which contained a certain implication of protection, is to be regarded as a treaty, it is of no avail, for it was never ratified by the Senate. The treaty with Samoa made in 1878, however, gives the United States the privilege of establishing therein a naval station, the Samoan Government agreeing neither to exercise nor authorize any jurisdiction within said port adverse tosuch rights of the United States or restrictive thereof." On Aug. 5, 1878, upon the ratification of this treaty by Samoa. a commission appointed by the Samoan Government signed the document transferring the possession of the harbor according to the provisions of the treaty. In connection with this transfer the United States ship Adams erected on Goat Island, at a point commanding a view of the entire harbor, a flagstaff and raised thereon the American flag. The rights of this Government under this treaty and these proceedings were not affected by the Berlin act, our commissioners expressly stating that they could consent in no way to the impairment of our rights at Pago-Pago. The British treaty made in 1870 reserved the right to establish on the shores of a Samoan

cepted." When the matter was before Congress in June, 1880, the rights of the United States in Pago-Pago were interpreted to be exclusive. The amendment reported by the Committee on Appropriations reads: "For the survey. improvement, and occupation of Pago-Pago \$100,000," &c. Senator Sherman spoke upon the amendment for the Committee on Foreign Relations, and said, in concluding his speech: The first thing to be done is to assert our power and occupancy of the bay of Pago-Pago and so much of the shores of the Island of Tutnilla as is necessary for a coaling station. This is a more rocky island, comparatively, of a few square miles, but it possesses this magnificent harbor, and one of the amendments to this illi proposes that we shall take possession of it, occupy it, and erect a coaling station and such other buildings as may be necessary. That ought to be done immediately.

barbor a naval station, "Apia, Salvafata, the

German harbor, and that part of the harbor of

Pago-Pago which may hereafter be selected by

the Government of the United States ex-

This Government within eighteen months has purchased Goat Island and half a mile of the shore adjoining, being a small part of what Admiral Kimberly recommended should be secured and of what would be needed for a station. To this island, which is the most valunble about the harbor, the United States has bought every claim, native and foreign, and its title may be regarded as indisputable. If the United States has not yet exclusive title to Pago-Pago harbor, the Government has the right to make it so. For, until it has not only selected a site, but acquired title to all the land the Government may want, nothing can be done which may interfere with its purposes there. Should this land be secured, there would be so little left that the question of exclusive right could never arise. Any attempt by a foreign power now to secure lodgment at Pago-Pago harbor will be resisted undoubtedly by this Government.

ACCIDENT ON THE LAKE SHORE

Lurge Loss of Life Reported from a Midnt ht Wreck.

ERIE, Aug. 5.-It is reported that a collision between a freight and passenger train oc curred near here at midnight on the Lake Shore Railroad.

There is said to be a large loss of life. Physicians from this city have been telegraphed

The President Starts for Loon Lake WASHINGTON, Aug. 5 .- President Harrison left the city to-night by the Pennsylvania West Shore route shortly after 11 o'clock, going directly to Loon Lake to see his wife, and will directly to Loon Lake to see his wife, and will probably be gone about a month.

The latest report from Mrs. Harrison to-day was to the effect that she had a ride this afternoon of about half an hour, and that she was improving. The President expresses the wish not to be disturbed in any manner while at Loon Lake either by newspaper people or the public.

Ex-Senator Ingalis's Brother Dead, SPRINGFIELD, Mo., Aug. 5 .- Dr. Francis Theodor Ingalis, President of Drury College, died here this morning at 8:30 of paralysis of the heart. Dr. Ingails was a brother of ex-Sena-

tor Ingalis of Kansas. The Weather.

The area of low pressure enclosing a helt of cloudy and showery weather extended yesterday from Kansas northeast to the upper lakes, while an area of moder ately high pressure occupied the country from the Ohio Yalley southward, covering all the Southern States.
These areas are drifting eastward and are likely to
produce slightly warmer weather in the middle Atlantic

States today, but no unusual heat is expected.

It was couler by from 4° to 0° in the Atlantic States
yesterday than on Thursday, and warmer by from 6°
to 5° west of the Alssissipph except in Montana, where was very cool. The temperature dropped to 48º at

Havre.
In this city it was showery in the morning and afternnen; highest official temperature, 82°; lowest, 67°; average humidity, 70 per cent; wind southwest, average velocity, 8 miles an hour, The thermometer at Perry's ph

The thermometer at Perry's pharmacy in Tue Sup building retorded the temperature yesterday as follows: | 18 A M | 18 S | 18 D | 18 D

Average on Aug. 6, 1891..... WARRINGTON FORECAST FOR SATURDAY,
For New England, showers in the nerthern portion and on the coast; slightly warmer on the coast; south

warmer; south winds.

For easiern Pennsylvania, New Jersey, and Delaware, generally fair; slightly warmer; south winds.
For District of Columbia and Maryland, fair; slightly

warmer; variable winds. For West Virginia, western Pennsylvania, western New York, and Ohio, showers, warmer during Satur-

day; south to west winds.

The barometer is below the normal east of the Rocky Mountains. There has been a decrease of barometric pressure from the lower lake region and St. Lawrence Valley to the southeastern slope of the Rocky Mountains. There has been an increase of pressure over the Gulf of St. Lawrence and over the Dakotas, western Nebraska, and eastern Colorada. Three storms of slight intensity appear: one north of the lake regions and St. Lawrence Valley, another in the lower Missouri Valley, and a third in the western Saskatchewan Valley. The temperature has fallen in the initialle Af-lantic and New England States, over the middle linear Mountain region, and in the Dakotas. It has risen slightly in the middle Mississippi Valley and thomas over western Lake Superior. An area of rain has extended over the lake regions and parts of New Fing-land, and light showers have occurred in the moddle Missouri Valley. Unsettled weather and showers are indicated for the lower lake region and New England Faturday; showers will also probably occur at points an the upper Nississ.ppi Valley.

Tom Reed on Congress.

Don't miss ex Speaker Thomas P. Seed's caustic re-